



July 29, 2011

By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: IB Docket No. 11-109
FCC File No. SAT-MOD-20101118-00239

Dear Ms. Dortch:

OnStar LLC (“OnStar”) hereby files these comments with the Federal Communications Commission (“Commission”) in response to the Public Notice¹ regarding the Final Report of the Technical Working Group (“TWG”) and the Recommendation of LightSquared Subsidiary LLC (“LightSquared”), filed on June 30, 2011.²

Over the past few weeks OnStar has carefully considered LightSquared’s recommendations in conjunction with the TWG’s Final Report. In response, OnStar’s conclusions and recommendations remain consistent with our previously filed comments.³ In our view, there are three major issues that remain unresolved: 1) transmissions at the upper 10 MHz portion of LightSquared’s downlink frequencies; 2) transmissions at the lower 10 MHz

¹ See *Comment Deadlines Established Regarding the Lightsquared Technical Working Group Report*, Public Notice, IB Dkt. No. 11-109, DA 11-1133 (June 30, 2011).

² See Final Report, attached to letter from Henry Goldberg, Counsel, LightSquared, to Marlene H. Dortch, Secretary, FCC (June 30, 2011) (“Final Report”); Recommendation of LightSquared Subsidiary LLC, attached to letter from Henry Goldberg, Counsel, LightSquared Subsidiary LLC, to Marlene H. Dortch, Secretary, FCC (June 30, 2011) (“Recommendation”).

³ See *Ex Parte* Letter from Thomas Jeffers, VP for Public Policy, and Nikola Pudar, VP for Business Development, OnStar, to Marlene H. Dortch, Secretary, FCC (June 14, 2011).

portion of LightSquared's downlink frequencies; and 3) the enormous challenge of legacy devices which may not be able to be retrofitted with new technologies that purport to mitigate interference concerns.

In evaluating these issues, there seems to be one conclusion upon which all parties agree. Both the TWG report and LightSquared's recommendations found that LightSquared transmissions in the upper 10 MHz band, 1545.2-1555.2 MHz, will cause significant interference to most GPS devices.⁴ After months of testing, it has been concluded that without the emergence of a technological solution which does not presently exist, upper band transmissions cannot proceed. Unfortunately, even though this conclusion is unchallenged, considerable uncertainties remain. OnStar is asking the Commission to minimize the uncertainty by prohibiting LightSquared terrestrial transmission activities within the 1545.2-1555.2 MHz portion of the L-Band. If LightSquared wishes to research filters or any other type of solution that might enable terrestrial transmission in the 1545.2-1555.2 MHz portion of the L-Band, such research should be at LightSquared's expense and LightSquared must be required to apply for a new waiver or additional authority. Simply put, when it comes to the upper 10 MHz, LightSquared has not met its burden and the matter must be finalized. Contrary to LightSquared's recommendation, the GPS industry should not be asked to revisit this matter in another six months. Delaying the evaluation process further would be unreasonable and would cause considerable uncertainty for the GPS industry when designing future products and services.

In light of the industry's consensus regarding the upper band, LightSquared has developed a new deployment plan which limits transmissions initially to the lower portion of its spectrum. LightSquared has stated that "commenc[ing] operations on the lower 10 MHz portion of its spectrum ... poses no risk to the users of over 99 percent of GPS devices."⁵ In theory, this sounds like a workable compromise. Unfortunately, this plan was released to the public *after* months of testing of the original plan had already been undertaken and therefore, LightSquared's claims have not been verified. As such, there is a limited amount of data regarding the new deployment plan. OnStar would strongly consider participating in further testing to evaluate this new plan. However, it is our position that such testing must be transparent and should be fully funded by LightSquared because of the enormous amounts of resources that have already been expended on testing a deployment plan that no longer appears to be a viable option.

LightSquared has maintained that there are filters and other technological solutions that can mitigate or even solve interference issues resulting from its current deployment plans. Even

⁴ See Recommendation at 1.

⁵ *Id.* at 4.

if these technologies do exist, OnStar and others would face the daunting challenge of retrofitting millions of GPS devices that are currently in market. OnStar's six million subscribers drive a variety of different vehicles, spanning across more than a decade of model years. OnStar, its subscribers and other similarly situated parties must be protected against the substantial losses and disruptions if millions of vehicle owners needed new hardware to make their OnStar GPS systems operational. Furthermore, this is not just an OnStar issue. The reality is that there are hundreds of millions of GPS devices, handheld or in cars, airplanes, tractors, construction vehicles, etc., which cannot simply be "upgraded" with hypothetical filters or chips. It is essential that the Commission's Final Order specifically address the reality and likely impact that LightSquared's proposal would have on legacy devices for millions of consumers.

OnStar agrees that the deployment of broadband services to all Americans is an important goal that must be encouraged by policymakers. It is clear that one step towards this goal is finding innovative ways to maximize our spectrum usage. However, LightSquared's original deployment plan, as it was expressed during the testing period, would cause harmful interference to OnStar GPS devices and would harm a substantial percentage of OnStar's six million subscribers. Moreover, very limited testing of LightSquared's new deployment plan was performed, and the Commission should require additional testing at LightSquared's expense before allowing the plan to proceed. Broadband must not come at the expense of GPS, as the industry is far too valuable to our economy and our everyday way of life.

OnStar requests that the Commission focus on limiting uncertainties within the GPS industry and for the millions of GPS users by formally prohibiting LightSquared terrestrial transmission activities in the upper 10 MHz portion of its downlink spectrum. Further, OnStar encourages the Commission to require more objective testing and research to support the viability of transmitting in LightSquared's lower 10 MHz of downlink spectrum. OnStar can only speak for our own products and the subscribers who rely on our service; however, as it stands today, we are not confident in LightSquared's assertion that transmissions in the lower 10 MHz of its spectrum will not cause GPS interference. We do not have enough data to support this conclusion. Finally, OnStar must emphasize that hundreds of millions of GPS devices exist and are in the market today. OnStar will not endorse a solution that does not fully address this reality. Remember, each GPS device has a user. Users of GPS devices are not just corporations, chip manufacturers or abstract entities - they are real people who will be severely harmed if their GPS devices no longer function properly. The genuine impact to the American individual cannot be overlooked as the Commission develops a resolution of this matter.

Ms. Marlene Dortch
July 29, 2011
Page 4

Sincerely,

/s/ Thomas Jeffers

Thomas Jeffers
Vice President for Public Policy
OnStar, LLC
400 GM Renaissance Center
P.O. Box 400
Detroit, MI 48265-4000
Telephone: (313) 665-2797
E-mail: thomas.jeffers@onstar.com

/s/ Nikola J. Pudar

Nikola J. Pudar
Vice President for Business Development
OnStar, LLC
400 GM Renaissance Center
P.O. Box 400
Detroit, MI 48265-4000
Telephone: (313) 667-9148
E-mail: nick.pudar@onstar.com